

**U.S. District Court
Southern District of Florida (West Palm Beach)
CIVIL DOCKET FOR CASE #: 9:19-cv-80438-DMM**

Gunster, Yoakley & Stewart, P.A. et al v. United States
Department of the Interior
Assigned to: Judge Donald M. Middlebrooks
Referred to: Magistrate Judge Dave Lee Brannon
Cause: 05:0552 Freedom of Information Act

Date Filed: 03/28/2019
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Gunster, Yoakley & Stewart, P.A.

represented by **Johnathan Douglas Lott**
Boies Schiller Flexner LLP
401 E Las Olas Blvd. Suite 1200
Fort Lauderdale, FL 33301
954-377-4240
Email: jlott@bsfllp.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Samuel C. Kaplan
Boies Schiller Flexner LLP
1401 New York Ave. NW
Washington, DC 20015
202-237-2727
Email: skaplan@bsfllp.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Stuart Harold Singer
Boies Schiller & Flexner
401 E Las Olas Boulevard
Suite 1200
Fort Lauderdale, FL 33301
954-356-0011
Fax: 356-0022
Email: ssinger@bsfllp.com
ATTORNEY TO BE NOTICED

Plaintiff

United States Sugar Corporation

represented by **Johnathan Douglas Lott**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Samuel C. Kaplan
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Stuart Harold Singer
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

United States Department of the Interior

represented by **Carlos Javier Raurell**
United States Attorney's Office
99 NE 4 Street

Miami, FL 33132
 305-961-9243
 Fax: 305-530-7139
 Email: carlos.raurell@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/28/2019	<u>1</u>	COMPLAINT for Injunctive and Declaratory Relief against All Defendants. Filing fees \$ 400.00 receipt number 113C-11512572, filed by Gunster, Yoakley & Stewart, P.A., United States Sugar Corporation. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summon(s), # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F)(Singer, Stuart) (Entered: 03/28/2019)
03/28/2019	2	Clerks Notice of Judge Assignment to Judge Donald M. Middlebrooks and Magistrate Judge Dave Lee Brannon. Pursuant to 28 USC 636(c), the parties are hereby notified that the U.S. Magistrate Judge Dave Lee Brannon is available to handle any or all proceedings in this case. If agreed, parties should complete and file the Consent form found on our website. It is not necessary to file a document indicating lack of consent. (vmz) (Entered: 03/28/2019)
03/28/2019	<u>3</u>	Summons Issued as to United States Department of the Interior. (vmz) (Entered: 03/28/2019)
04/03/2019	<u>4</u>	Plaintiff's MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Samuel C. Kaplan. Filing Fee \$ 75.00 Receipt # 113C-11530025 by Gunster, Yoakley & Stewart, P.A., United States Sugar Corporation. Responses due by 4/17/2019 (Attachments: # <u>1</u> Text of Proposed Order)(Singer, Stuart) (Entered: 04/03/2019)
04/04/2019	<u>5</u>	SUMMONS (Affidavit) Returned Executed by Gunster, Yoakley & Stewart, P.A., United States Sugar Corporation. United States Department of the Interior served on 4/1/2019, answer due 5/31/2019. (Singer, Stuart) (Entered: 04/04/2019)
04/04/2019	6	PAPERLESS ORDER granting <u>4</u> Motion to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Attorney Samuel C. Kaplan. Signed by Judge Donald M. Middlebrooks on 4/4/2019. (mbt) (Entered: 04/04/2019)
04/15/2019	<u>7</u>	NOTICE by Gunster, Yoakley & Stewart, P.A., United States Sugar Corporation of <i>Erroneously Calendared Answer Date</i> (Singer, Stuart) (Entered: 04/15/2019)
04/15/2019	8	PAPERLESS ORDER. On April 4, 2019, Plaintiffs filed a Return of Service indicating that Defendant United States Department of the Interior was served on April 1, 2019. (DE <u>5</u>). The docket text attendant to this filing states that an answer is due on May 31, 2019. (Id.). This is an action filed under the Freedom of Information Act, however, and in such an action, "[n]otwithstanding any other provision of law, the defendant shall serve an answer or otherwise plead to any complaint made under this subsection within thirty days after service." 5 U.S.C. § 522(a)(4)(C). Accordingly, Defendant is directed to file a response to Plaintiffs' Complaint (DE <u>1</u>) on or before May 1, 2019 Signed by Judge Donald M. Middlebrooks on 4/15/2019. (mbt) (Entered: 04/15/2019)
04/22/2019	9	SCHEDULING ORDER: (Trial set for 2/3/2020 at 9:00 AM in West Palm Beach Division before Judge Donald M. Middlebrooks., Calendar Call set for 1/29/2020 at 1:15 PM in West Palm Beach Division before Judge Donald M. Middlebrooks.), ORDER REFERRING CASE to Magistrate Judge Dave Lee Brannon to enter a Scheduling Order. Signed by Judge Donald M. Middlebrooks on 4/22/2019. <i>See attached document for full details.</i> (pes) <u>Pattern Jury Instruction Builder</u> – To access the latest, up to date changes to the 11th Circuit Pattern Jury Instructions go to https://pji.ca11.uscourts.gov or click here . (Entered: 04/23/2019)

04/26/2019	10	PAPERLESS ORDER SETTING TELEPHONIC SCHEDULING CONFERENCE. Telephone Conference set for May 3, 2019 at 2:00 P.M. in West Palm Beach Division before U.S. Magistrate Judge Dave Lee Brannon. At that time, the parties shall call (888) 808-6929 and enter access code 2036573. Any motions to modify the existing trial date should be filed prior to the telephonic scheduling conference. Because of the expedited nature of the conference, the parties are relieved of Local Rule 16.1(b)s conference report requirement. The parties must be prepared at their assigned time but may have to wait 10-20 minutes before their conference begins, as the Court sets three cases per 30-minute time slot. Signed by Magistrate Judge Dave Lee Brannon on 4/26/2019. (spe) (Entered: 04/26/2019)
04/26/2019	<u>11</u>	Unopposed MOTION for Extension of Time to File Response/Reply/Answer as to <u>1</u> Complaint, by United States Department of the Interior. Attorney Carlos Javier Raurell added to party United States Department of the Interior(pty:dft). (Raurell, Carlos) (Entered: 04/26/2019)
04/29/2019	12	PAPERLESS ORDER granting in part <u>11</u> Unopposed Motion for Extension of Time. Defendant moves for a sixty-day extension of the deadline to respond to Plaintiff's Complaint on the basis that the Parties are working to formulate a schedule for the production of information responsive to Plaintiffs' requests. Considering that the Freedom of Information Act generally requires a response to be filed within thirty days, however, I do not find good cause exists to grant the broad relief requested. See 5 U.S.C. § 522(a)(4)(C). I will grant the motion in part, however. The deadline for Defendant to respond to Plaintiffs' Complaint (DE <u>1</u>) is extended to May 31, 2019. No other deadlines are modified or extended as a result of this Order. Signed by Judge Donald M. Middlebrooks on 4/29/2019. (mbt) (Entered: 04/29/2019)
05/03/2019	13	PAPERLESS MINUTE ENTRY for proceedings held before U.S. Magistrate Judge Dave Lee Brannon: Telephonic Scheduling Conference held on 5/3/2019. Attorney Appearances: Johnathan Lott, Esq. and Samuel Kaplan, Esq. for Plaintiffs AUSA Carlos Raurell for Defendant. Pretrial and scheduling matters discussed. Counsel advise of ongoing productive conversations re: the possibility of an agreed production schedule. Scheduling Order to follow. (Total Time in Court: 5 mins. Digital: 14:10:09) (jrj) (Entered: 05/03/2019)